

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HOME INSTEAD, INC.,
a Nebraska Corp.,**

Plaintiff,

vs.

**CHRISTOPHER A. BARR and
CUMBERLAND/PERRY SENIOR
CARE, INC. (f/k/a THE VALLEYBROOK
ORGANIZATION, INC.,
PERK@SURF INC., and
PERK@ND SURF INC.), a
Pennsylvania Corp.**

8:08CV315

ORDER

This matter comes before the Court on the Motion to Dismiss with Prejudice (Filing No. 14) filed by Plaintiff, Home Instead, Inc. The Court, being fully advised in the premises, finds that the above-captioned matter is hereby dismissed with prejudice, each party to pay its own costs and attorneys' fees.

DATED this 22nd day of October, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge